

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

REGINALD BARNETT,

Plaintiff,

v.

CIVIL ACTION NO. 5:11-cv-00429

WARDEN,

Defendant.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's June 3, 2011, letter-form Complaint (Document 1).

By *Standing Order* (Document 6) entered on June 20, 2011, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On May 28, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that this Court deny the Plaintiff's Complaint, dismiss the civil action as moot, and remove the matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 16, 2014.


Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Complaint (Document 1) be **DENIED**, that the civil action be **DISMISSED AS MOOT**, and that this action be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: June 23, 2014


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA